

ORDINANCE NO. 09-22

ORDINANCE REZONING FROM R-1 (ONE FAMILY DISTRICT) TO R-O (RESIDENTIAL OFFICE DISTRICT) ACCORDING TO A SITE PLAN DATED APRIL 28, 2008, PREPARED BY CARLOS M. ESTEVEZ, A.I.A. AND GRANTING A VARIANCE PERMIT TO ALLOW 8 PARKING SPACES, WHERE 9 PARKING SPACES ARE REQUIRED, CONTRA TO HIALEAH CODE § 98-2189(20). **PROPERTY LOCATED AT 279 EAST 49 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of February 11, 2009, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from R-1 (One Family District) to R-O (Residential Office District) according to a site plan dated April 28, 2008, prepared by Carlos M. Estevez, A.I.A., and is hereby granted a variance permit to allow 8 parking spaces, where 9 parking spaces are required, contra to Hialeah Code § 98-2189(20), which provides in pertinent part: "*Residential-office*. One parking spaces for each 200 square feet of gross floor area." Property located at 279 East 49 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 23 LESS THE WEST 60 FEET THEREOF, OF  
BRADLEY MANOR FOURTH ADDITION,  
ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 58, PAGE 26, OF THE  
PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA

AND

LOT 5, IN BLOCK 5, LESS THE SOUTH 7 FEET THEREOF FOR RIGHT OF WAY, OF COBOS FRONTON SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 20, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of March, 2009.

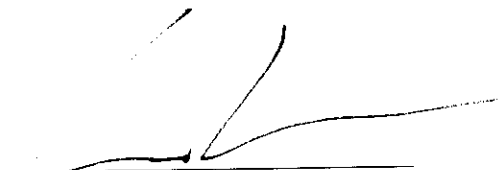
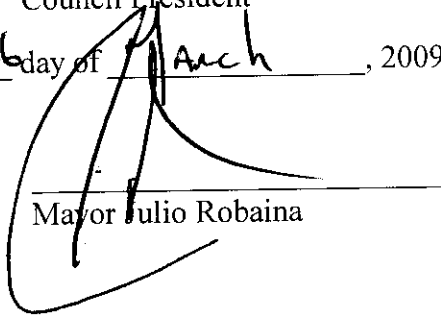
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

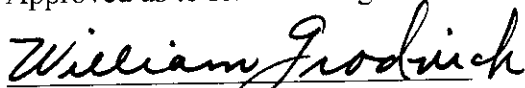


Rafael E. Granado, City Clerk

Approved on this 26 day of March, 2009.

  
Carlos Hernandez  
Council President  
Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 5-2 vote with Councilmembers, Caragol, Cue, Gonzalez, and Yedra voting "Yes", and Councilmembers Hernandez and Garcia-Martinez abstained.